

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**TWITTER, INC.,**

Plaintiff,

v.

**MATTHEW G. WHITAKER, ET AL.,**

Defendants.

Case No. 14-cv-04480-YGR

**ORDER GRANTING IN PART AND DENYING  
IN PART DEFENDANTS' UNOPPOSED  
MOTION FOR STAY IN LIGHT OF LAPSE OF  
APPROPRIATIONS.**


Dkt. No. 259

The Court, having considered Defendants' Unopposed Motion for a Stay (Dkt. No. 259), hereby **ORDERS** that the Defendants' Motion is **GRANTED IN PART AND DENIED IN PART**. When federal budget appropriations have lapsed, the federal government "may not accept voluntary services . . . or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. Such emergencies "d[o] not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property." *Id.*; see also *United States v. US Airways Grp., Inc.*, 979 F. Supp. 2d 33, 34 (D.D.C. 2013).

Here, the Court **DENIES** as stay with respect to the Government's response to the Order to Show Cause issued this date. Resolution of the core issues in this litigation and the state secrets issues the Government seeks to assert are of the utmost significance and must not be hindered by further delay. Therefore, the Court finds it essential that the Department of Justice attorneys continue their work in responding to the Order to Show Cause. *Cf. US Airways, supra* (stay denied where airline merger enjoined by DOJ involved significant monetary stakes). Proceedings in this matter are otherwise **STAYED** until Congress has appropriated to permit resumption of usual civil litigation functions.

**IT IS SO ORDERED.**

Dated: January 2, 2019

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT JUDGE